

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: NISSOV et al  
SERIAL NO.: 09/991,126  
FILING DATE: November 16, 2001  
TITLE: Raman Assisted EDFA System and Method  
ART UNIT: 2633  
DOCKET NO.: 1021

Mail Stop: Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**CERTIFICATE OF FACSIMILE TRANSMITTAL**

I hereby certify that this correspondence along with any document referred to therein as being attached or enclosed is being transmitted via facsimile to: United States Patent and Trademark Office, Attn Janice Tippet, OIPE, at fax number 703-305-9822 on March 12, 2004, at Manchester, New Hampshire.

By

*Brolm Oellard*

**SUPPLEMENTAL PETITION PURSUANT TO 37 CFR 1.81  
FOR WITHDRAWAL OF ABANDONMENT**

Dear Sir:

This is to supplement the "Petition Pursuant to 37 CFR 1.81 for Withdrawal of Abandonment" (the "original petition") filed on January 9, 2004. On March 8, 2004 Applicant's attorney received a phone call from Examiner Krista Zele in which Ms. Zele indicated that the original petition did not address a "Notice of Incomplete Reply" (the "notice") mailed on February 8, 2002. However, neither the Applicant nor the Applicant's attorney was aware that the notice had been issued. On March 9, 2004, Ms. Zele faxed a copy of the notice to Applicant's attorney. In reviewing docketing records

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for the file, it is clear that the notice was never received by the Applicant prior to Ms. Zele's fax of March 9, 2004.

Applicant explained these events in a phone conversation of March 10, 2004 between Applicant's attorney and the Examiner now handling the petition, Ms. Janice Tippet. In the conversation, Ms. Tippet agreed that the current supplemental petition should be filed to provide evidence that the notice was never received.

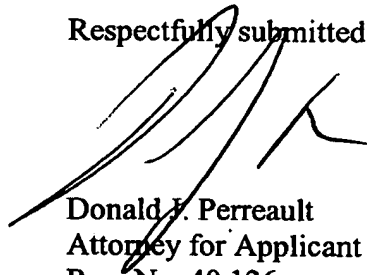
In that regard, Applicant notes that upon receipt of the notice from Ms. Zele on March 9, 2004, applicant's in-house paralegal immediately conducted a thorough search of the associated file and did not find the notice therein. All docketing for the matter was performed in-house. The applicant's paralegal has searched the in-house docket record. The search indicated that the notice was never received by the applicant. Attached is a copy of the docket record for this application, which shows that the Notice of Incomplete Reply was never received. Also enclosed is a copy of the in-house Actions due screen which does not indicate that a response to the notice or the underlying Notice to File Missing parts was due. To the contrary, the enclosed copy of the Actions due screen indicates that a complete response to the Notice to file Missing parts was made on January 25, 2004.

In view of the above, Applicants hereby repeat the petition, pursuant to 37 CFR 1.81, for withdrawal of the Notice of Abandonment mailed December 17, 2003, and respectfully request that the application be forwarded to the appropriate Examining Attorney for prosecution as soon as possible.

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To facilitate prosecution of the application, Applicant encloses herewith a response to the Notice of Incomplete Reply including a copy of the Notice and formal drawings. Since the notice was never received by the Applicant it is believed that no fees are due. However, in the event that additional fees are required, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,



Donald F. Perreault  
Attorney for Applicant  
Reg. No. 40,126  
Grossman, Tucker, Perreault &  
Pfleger, PLLC  
55 South Commercial Street  
Manchester, NH 03101  
Phone: 603.668.6560  
Fax: 603.668.2970

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**POMeSoft v3.03.01 - TyCo SUB-MARINE SYSTEMS LTD. - [Patent]**

<b>Docket Name</b>	1021	<b>Responsible Attorney</b>	John P. Mahajan
<b>Country</b>	United States	<b>Foreign Associate</b>	
<b>Date Filed</b>	Converted Utility Model	<b>Division</b>	
<b>Related Type</b>	Original Filing	<b>Current Owner</b>	TyCon
<b>Filing Office</b>	National	<b>Outside Counsel</b>	Grossman, Tucker, Perreault
		<b>Outside Court Ref.</b>	TCM161

**Name Assigned TO A S4466 and Method**

Inventor	Licensee	SD	Title	Complete
Firm Date	Related Party Info	Actions	Abstract	Exposure
Action	Action Due Date	Completed Date	Responsible Att'y	Action Notes
Foreign Filing DEADLINE	11/16/2001	11/16/2001		
Notice of Missing Parts	1/18/2002	1/25/2002		
Missing Parts	3/18/2002	1/28/2002		
Estimated Publication	5/16/2002	5/16/2002		
Notice of Abandonment	12/17/2003			In error, t
IDS N/A				
Foreign Filing Completed				
IDS Filed		4/30/2003		Submitted ref
Petition to Revoke Filed				
Missing Parts Filed		1/28/2002		

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**POMeSoft v3.03.01 - TyCo SUB-MARINE SYSTEMS LTD. - [Patent]**

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